

Council Member Flynn introduced the following, which was approved:

ORDINANCE 1.12.24 (As Amended 5/6/2024)

AN ORDINANCE AMENDING SECTION 353-63 (“MAXIMUM CHARGES”) OF CHAPTER 353 (“VEHICLES FOR HIRE”) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO INCREASING THE MAXIMUM FEE TOW TRUCK OPERATORS MAY CHARGE FOR TOWS NOT REQUESTED BY THE OWNER OF THE VEHICLE TO BE TOWED

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsection (A) of section 353-63 (“Maximum charges”) of article III (“Tow-Truck Owners and Operators) of chapter 353 (“Vehicles for Hire”) of Part II (“General Legislation”) of the Code of the City of Albany is hereby amended to read as follows:

- A. All towing companies licensed pursuant to this article shall prepare a schedule of the charges for the towing and storage of motor vehicles, and such schedule shall be filed with the Chief of Police. Notwithstanding the foregoing, the maximum charge for the towing of any vehicle not in excess of 10,000 pounds, which has not been authorized by the owner or operator, shall be ~~\$100~~ \$150. An additional flat fee of \$25 for the dollying of a vehicle may be imposed. An additional charge of \$55 per hour for winching may be imposed. The maximum charge for the storage of towed motor vehicles shall be \$35 per day, or each part thereof, to commence after the vehicle has been on the premises for 24 hours. The aforesaid maximum rates shall also apply to the towing of motor vehicles which have become disabled upon a street or highway in the City of Albany regardless of whether said tow may have been authorized by the owner or operator of the vehicle.

Section 2. This ordinance shall take effect 30 days from final passage.

**APPROVED AS TO FORM THIS
26th DAY OF APRIL, 2024**

Corporation Counsel

To: Shaniqua Jackson, City Clerk

From: Brett Williams, Senior Assistant Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: January 2, 2024

Sponsor: Council Member Flynn

ORDINANCE 1.12.24 (As Amended 5/6/2024)

TITLE

AN ORDINANCE AMENDING SECTION 353-63 (“MAXIMUM CHARGES”) OF CHAPTER 353 (“VEHICLES FOR HIRE”) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO INCREASING THE MAXIMUM FEE TOW TRUCK OPERATORS MAY CHARGE FOR TOWS NOT REQUESTED BY THE OWNER OF THE VEHICLE TO BE TOWED

GENERAL PURPOSE OF LEGISLATION

This ordinance raises the amount private tow truck operators may charge for tows not requested by the owner of the vehicle to be towed – e.g., tows ordered by APD for a vehicle parked illegally – from \$100 to \$150.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

The \$100 tow operators may charge for tows in the City of Albany is among the lowest rates of any municipality in the area. APD has reported that they are, of late, having a difficult time getting tow operators to respond to APD’s calls. APD has noted situations in which its officers have had to stay on the scene of an accident for more than an hour, waiting for a tow truck to respond – a situation which ties up officers who could be better serving the public interest by attending to more pressing matters. The tow operators cite the City of Albany’s low towing fee as the reason for their decreasing response rates and times. Other area entities allow operators to charge as follows, according to information that has been shared with APD:

Entity	Tow Charge	Storage/Day
Albany Co. Sheriff’s Dept.	\$225	\$74
Bethlehem Police Dept.	\$250	\$75
New York State Police	\$200 (Daytime), \$225 (After Hours)	\$65
Rensselaer Police Dept.	\$125	\$35
Menands Police Dept.	\$225	\$75
Colonie Police Dept.	\$200	\$60
SUNY Police Dept.	\$250	\$60
Verizon Fleet	\$200	Unknown

This legislation will increase the current \$100 fee, codified in the City Code, to \$150 to bring it better in line with other local entities and should, by so doing, increase response rates and times from tow operators to more appropriate and acceptable levels.

The fee was last raised, from \$75, in 2006, having been raised from \$65 in 2001.

FISCAL IMPACT

This ordinance will increase the amount tow operators may charge for both towing and storage of vehicles towed within the City of Albany.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Balarin, Clarke, Flynn, Frederick, Hoey, Kimbrough, Love, Zamer

Negative – Adams, Anane, Johnson, Keegan, Romero

Abstain – Farrell, Robinson

Affirmative: 8 | Negative: 5 | Abstain: 2

Clerk of the Common Council

President of the Common Council

Mayor

Date

I, Shaniqua Jackson, City Clerk and Clerk of the Common Council, do hereby certify that Ordinance 1.12.24 was passed at a meeting of the Albany Common Council on June 3, 2024.

In affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this 18th day of July, 2024.

Shaniqua Jackson, Clerk of the Common Council